

Christopher, Anne

From: soldotnaychevron@alaska.net
Sent: Friday, October 24, 2014 9:47 AM
To: Christopher, Anne
Subject: RE: Underground Storage Tank Expedited Settlement Agreement
Attachments: ESA Document.pdf; Leak Reports July August.pdf; Leak Reports Sept Oct.pdf; Tank #5 Manual Gauge Report.pdf

Anne,

Attached is the leak reports and the manual gauge report for tank #5 along with the sign esa document.

Thanks,

Mark Rozak
Soldotna Y Chevron

> Mr. Rozak,
>
> Thank you for responding to my email. I did receive your paperwork in
> the mail today. In regards to correcting the violations listed in the
> ESA, you included reports that violations c and d (piping release
> detection and installing an automatic line leak detector) have been
> resolved. In order to demonstrate that you are back in compliance
> with violations a and b (tank release detection for the used oil tank
> and tanks 1-4), you must provide copies of release detection
> documentation for the five tanks from July-October 2014. You can either email them to me or send hard copies.
>
> Unfortunately, because the ESA is a legal document, I cannot process
> the ESA that you sent in because of the notes you wrote on the front
> page. I need you to reprint the ESA itself (pages 5-6 of the
> attachment) and only fill out the back signature lines.
>
> Please submit the resigned ESA and release detection documentation by
> the original deadline of October 27, 2014. I will be out of the
> office next week, but if you have any questions about the release
> detection documentation, please email or call Ben Horwitz.
>
> Thanks,
> Anne
>
>
> -----Original Message-----
> From: soldotnaychevron@alaska.net [mailto:soldotnaychevron@alaska.net]
> Sent: Friday, October 17, 2014 10:35 AM

> To: Christopher, Anne
> Subject: Re: Underground Storage Tank Expedited Settlement Agreement
>
> Anne,
>
> I signed and sent all paperwork back to you via ups. You should be
> recieving them today. I sent the check for the fines to the
> appropriate address as well. Should you have any questions please call
> 907-252-2335 if I dont answer please leave a message. I will get back to you.
>
>
> Thanks
> Mark Rozak
> Soldotna Y Chevron
>
>> Mr. Rozak,
>>
>> I am the compliance officer that has been assigned to your case and
>> sent you the Expedited Settlement Agreement (ESA) for the Underground
>> Storage Tank (UST) violations observed at your facility during the
>> June 16, 2014 inspection conducted by Ben Horwitz. I received the
>> green card from the certified mail that you received the UST ESA on
>> September 27, 2014. You have 30 days from receipt to respond, which
>> makes the due date October 27, 2014. Please contact me if you have
>> any questions as you prepare your response.
>>
>> Thanks,
>> Anne Christopher
>> =====
>> Anne Christopher, Environmental Scientist Ground Water Unit Office of
>> Compliance and Enforcement U.S. EPA Region 10
>> 1200 6th Avenue (OCE-082)
>> Seattle, WA 98101
>> 206.553.8293
>> christopher.anne@epa.gov
>> =====
>>
>>
>
>
>

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 10

IN THE MATTER OF:

Soldotna Y Chevron
EPA ID. No. AK518
Respondent

) Docket No.
) RCRA 10-2015-0011
)

) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND**
) **FINAL ORDER**
)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency ("EPA") alleges that Soldotna Y Chevron ("Respondent"), owner or operator of the Underground Storage Tank(s) (USTs) at 44024 Sterling Highway, Soldotna, Alaska 99669 (the "UST Facility"), failed to comply with the following requirement(s) of Subtitle I of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6991-6991m, and its implementing regulations at 40 C.F.R. part 280.
 - a. Failure to monitor one used oil tank at least every 30 days as required by 40 C.F.R. § 280.41(a) from at least July 1, 2013 through June 16, 2014.
 - b. Failure to retain every record for release detection monitoring as required by 40 C.F.R. § 280.45 for July 2013, November 2013, January 2014, and February 2014 for tanks 1-4 and September and October 2013 for tank 4 only.
 - c. Failure to provide any release detection for underground piping (no automatic line leak detector test, and no annual line tightness test or monthly release detection monitoring) as required by 40 C.F.R. § 280.44 for lines 2-4 from at least July 1, 2013 through June 20, 2014.
 - d. Failure to equip pressurized piping with an automatic line leak detector as required by 40 C.F.R. § 280.41(b)(1)(i) for line 4.
2. The EPA and the Respondent agree that settlement of this matter for a penalty of \$10,390 is in the public interest.
3. The EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (ESA) pursuant to section 9006 of RCRA and 40 C.F.R. § 22.13(b).
4. In signing this ESA, the Respondent: (1) admits that the Respondent is subject to requirements listed above in Paragraph 1, (2) admits that the EPA has jurisdiction over the Respondent and the Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein, (4) consents to the assessment of this penalty, and (5) waives any right to contest the allegations contained herein.

5. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that he or she has: (1) corrected the alleged violations, (2) submitted true and accurate documentation of those corrections, (3) provided a deposit for payment of the civil penalty in Paragraph 2 above in accordance with the EPA penalty collection procedures provided to the Respondent, (4) submitted true and accurate proof of deposit for payment of the civil penalty with this ESA, and (5) agrees to release the deposit for payment to the EPA upon entry of this Order.
6. Upon filing, this ESA shall constitute full settlement of all claims for civil penalties under RCRA for the violation(s) alleged herein.
7. The EPA reserves all of its other rights to take enforcement action for any past, present, or future violations by the Respondent of RCRA, any other federal statute or regulation, or against any violations alleged to have been corrected pursuant to this ESA that were not corrected.
8. Upon signing and returning this ESA to the EPA, the Respondent waives the opportunity for a hearing or appeal pursuant to section 9006(b) of RCRA or 40 C.F.R. part 22.
9. Each party shall bear its own costs and fees, if any.
10. This ESA is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

IT IS SO AGREED,

Name (print): Mark Rozak

Title (print): Owner

Signature: Mark Rozak

Date 10-20-14

APPROVED BY EPA:

Edward J. Kowalski, Director
Office of Compliance and Enforcement
EPA Region 10

Date _____

IT IS SO ORDERED:

Socorro Rodriguez
Regional Judicial Officer

Date _____

44024 STERLING HWY
SOLDOTNA AK 99669

TANK 1 PRODUCT: NONE

LEAK RATE: -0.005 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
TUE JUL 01,14 12:00:00 AM

TEST 1: -0.005 gal/hr
TEST 2: 2.??? gal/hr
TEST 3: 2.??? gal/hr
TEST 4: 2.??? gal/hr
TEST 5: 2.??? gal/hr
TEST 6: 2.??? gal/hr

LEAK TEST END:
SAT JUL 05,14 12:00:00 AM

TANK 2 PRODUCT: PREM UNLEAD

LEAK RATE: -0.034 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
TUE JUL 01,14 12:00:00 AM

TEST 1: -0.034 gal/hr
TEST 2: 2.??? gal/hr
TEST 3: 2.??? gal/hr
TEST 4: 2.??? gal/hr
TEST 5: 2.??? gal/hr
TEST 6: 2.??? gal/hr

LEAK TEST END:
SAT JUL 05,14 12:00:00 AM

TANK 3 PRODUCT: DIESEL 4

LEAK RATE: -0.002 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
TUE JUL 01,14 12:00:00 AM

TEST 1: -0.002 gal/hr
TEST 2: 2.??? gal/hr
TEST 3: 2.??? gal/hr
TEST 4: 2.??? gal/hr
TEST 5: 2.??? gal/hr
TEST 6: 2.??? gal/hr

LEAK TEST END:
SAT JUL 05,14 12:00:00 AM

AUTOLEAK REPORT
WED JUL 09,14 7:12:12 AM
STATION NAME:
SOLDOTNA V CHEVRON
44024 STERLING HWY
SOLDOTNA AK 99669

TANK 4 PRODUCT: UNLEADED

LEAK RATE: -0.096 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
TUE JUL 01,14 12:00:00 AM

TEST 1: -0.107 gal/hr
TEST 2: -0.086 gal/hr
TEST 3: 2.??? gal/hr
TEST 4: 2.??? gal/hr
TEST 5: 2.??? gal/hr
TEST 6: 2.??? gal/hr

AUTOLEAK REPORT
SAT AUG 02,14 1:00:02 PM
STATION NAME:
SOLDOTNA V CHEVRON
44024 STERLING HWY
SOLDOTNA AK 99669

TANK 1 PRODUCT: NONE

LEAK RATE: -0.005 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
THU AUG 07,14 11:01:00 AM

TEST 1: -0.015 gal/hr
TEST 2: 0.003 gal/hr
TEST 3: 2.??? gal/hr
TEST 4: 2.??? gal/hr
TEST 5: 2.??? gal/hr
TEST 6: 2.??? gal/hr

LEAK TEST END:
SAT AUG 09,14 12:00:00 AM

TANK 2 PRODUCT: PREM UNLEAD

LEAK RATE: -0.026 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
THU AUG 07,14 11:01:00 AM

TEST 1: -0.036 gal/hr
TEST 2: -0.016 gal/hr
TEST 3: 2.??? gal/hr
TEST 4: 2.??? gal/hr
TEST 5: 2.??? gal/hr
TEST 6: 2.??? gal/hr

LEAK TEST END:
SAT AUG 09,14 12:00:00 AM

TANK 3 PRODUCT: DIESEL 4

LEAK RATE: 0.007 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
THU AUG 07,14 11:01:00 AM

TEST 1: 0.009 gal/hr
TEST 2: 0.010 gal/hr
TEST 3: 2.??? gal/hr
TEST 4: 2.??? gal/hr
TEST 5: 2.??? gal/hr
TEST 6: 2.??? gal/hr

LEAK TEST END:
SAT AUG 09,14 12:00:00 AM

TANK 4 PRODUCT: UNLEADED

LEAK RATE: -0.081 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
THU AUG 07,14 11:01:00 AM

TEST 1: -0.119 gal/hr
TEST 2: -0.044 gal/hr
TEST 3: 2.??? gal/hr
TEST 4: 2.??? gal/hr
TEST 5: 2.??? gal/hr
TEST 6: 2.??? gal/hr

LEAK TEST END:
SAT AUG 09,14 12:00:00 AM

AUTOLEAK REPORT
THU AUG 21,14 6:43:44 AM
STATION NAME:
SOLDOTNA V CHEVRON
44024 STERLING HWY
SOLDOTNA AK 99669

TANK 1 PRODUCT: NONE

LEAK RATE: -0.003 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
WED AUG 20,14 2:34:01 PM

TEST 1: -0.015 gal/hr
TEST 2: 0.003 gal/hr
TEST 3: 2.??? gal/hr
TEST 4: -0.001 gal/hr
TEST 5: 2.??? gal/hr
TEST 6: 2.??? gal/hr

LEAK TEST END:
THU AUG 21,14 12:00:00 AM

TANK 2 PRODUCT: PREM UNLEAD

LEAK RATE: -0.032 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
WED AUG 20,14 2:34:01 PM

TEST 1: -0.032 gal/hr
TEST 2: -0.016 gal/hr
TEST 3: 2.??? gal/hr
TEST 4: 2.??? gal/hr
TEST 5: -0.039 gal/hr
TEST 6: 2.??? gal/hr

LEAK TEST END:
THU AUG 21,14 12:00:00 AM

TANK 3 PRODUCT: DIESEL 4

LEAK RATE: 0.007 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
WED AUG 20,14 2:34:01 PM

TEST 1: 0.009 gal/hr
TEST 2: 0.010 gal/hr
TEST 3: 2.??? gal/hr
TEST 4: 2.??? gal/hr
TEST 5: 0.007 gal/hr
TEST 6: 2.??? gal/hr

LEAK TEST END:
THU AUG 21,14 12:00:00 AM

TANK 4 PRODUCT: UNLEADED

LEAK RATE: -0.054 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
WED AUG 20,14 2:34:01 PM

TEST 1: -0.119 gal/hr
TEST 2: -0.044 gal/hr
TEST 3: 2.??? gal/hr
TEST 4: -0.027 gal/hr
TEST 5: 2.??? gal/hr
TEST 6: 2.??? gal/hr

LEAK TEST END:
THU AUG 21,14 12:00:00 AM

Sept 5, 2014

Oct. 3, 2014

AUTOLEAK REPORT
TUE SEP 09,14 12:00:00 AM
STATION NAME:
SOLDOTNA V CHEVRON
44624 STERLING HWY
SOLDOTNA AK 99669

AUTOLEAK REPORT
MON OCT 06,14 8:12:55 AM
STATION NAME:
SOLDOTNA V CHEVRON
44624 STERLING HWY
SOLDOTNA AK 99669

TANK 2 PRODUCT: PREM UNLEAD

LEAK RATE: -0.023 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
FRI SEP 05,14 8:00:31 AM
TEST 1: 2.777 gal/hr
TEST 2: -0.023 gal/hr
TEST 3: 2.777 gal/hr
TEST 4: 2.777 gal/hr
TEST 5: 2.777 gal/hr
TEST 6: 2.777 gal/hr
LEAK TEST END:
TUE SEP 09,14 12:00:00 AM

TANK 3 PRODUCT: DIESEL 4

LEAK RATE: 0.003 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
FRI SEP 05,14 8:00:31 AM
TEST 1: 2.777 gal/hr
TEST 2: 0.003 gal/hr
TEST 3: 2.777 gal/hr
TEST 4: 2.777 gal/hr
TEST 5: 2.777 gal/hr
TEST 6: 2.777 gal/hr
LEAK TEST END:
TUE SEP 09,14 12:00:00 AM

TANK 4 PRODUCT: UNLEADED

LEAK RATE: -0.071 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
FRI SEP 05,14 8:00:31 AM
TEST 1: 2.777 gal/hr
TEST 2: -0.071 gal/hr
TEST 3: 2.777 gal/hr
TEST 4: 2.777 gal/hr
TEST 5: 2.777 gal/hr
TEST 6: 2.777 gal/hr
LEAK TEST END:
TUE SEP 09,14 12:00:00 AM

TANK 5 PRODUCT: DIESEL 4

LEAK RATE: -0.023 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
FRI OCT 03,14 4:47:51 PM
TEST 1: -0.023 gal/hr
TEST 2: 2.777 gal/hr
TEST 3: 2.777 gal/hr
TEST 4: 2.777 gal/hr
TEST 5: 2.777 gal/hr
TEST 6: 2.777 gal/hr
LEAK TEST END:
MON OCT 06,14 12:00:00 AM

TANK 3 PRODUCT: DIESEL 4

LEAK RATE: 0.003 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
FRI OCT 03,14 4:47:51 PM
TEST 1: 0.003 gal/hr
TEST 2: 2.777 gal/hr
TEST 3: 2.777 gal/hr
TEST 4: 2.777 gal/hr
TEST 5: 2.777 gal/hr
TEST 6: 2.777 gal/hr
LEAK TEST END:
MON OCT 06,14 12:00:00 AM

TANK 4 PRODUCT: UNLEADED

LEAK RATE: -0.009 gal/hr
PASS 0.2 GPH TEST

LEAK TEST START:
FRI OCT 03,14 4:47:51 PM
TEST 1: -0.009 gal/hr
TEST 2: 2.777 gal/hr
TEST 3: 2.777 gal/hr
TEST 4: 2.777 gal/hr
TEST 5: 2.777 gal/hr
TEST 6: 2.777 gal/hr
LEAK TEST END:
MON OCT 06,14 12:00:00 AM

Tank 1 missing
on Sept 5 Oct
Slips

Tank #5 Waste Oil Tank 2014 Manual Stick Gauging

| Monday Morning Tank Reading | Level | Signature |
|-----------------------------|---------|-----------|
| June 30th | 21.5 in | M.R. |
| July 7th | 21.5 in | M.R. |
| July 14th | 21.5 in | M.R. |
| July 21th | 21.5 in | M.R. |
| July 28th | 21.5 in | M.R. |
| August 4th | 21.5 in | M.R. |
| August 11th | 21.5 in | M.R. |
| August 18th | 21.5 in | M.R. |
| August 25th | 21.5 in | M.R. |
| September 1st | 21.5 in | M.R. |
| September 8th | 21.5 in | M.R. |
| September 15th | 21.5 in | M.R. |
| September 22th | 21.5 in | M.R. |
| September 29th | 21.5 in | M.R. |
| October 6th | 21.5 in | M.R. |
| October 13th | 21.5 in | M.R. |
| October 20th | 21.5 in | M.R. |
| October 27th | | |
| November 3rd | | |
| November 10th | | |
| November 17th | | |
| November 24th | | |
| December 1st | | |
| December 8th | | |
| December 15th | | |
| December 22th | | |
| December 29th | | |

Mark Regal